| UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK | | | |
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| JUAN MARTINEZ, JOSE PIMENTAL, CARLOS CONTRERAS, EFRAIN REYES and JOWANY CASTILLO,, | | STIPULATION AND ORDER OF DISMISSAL | |
| | Plaintiff(s), | Case No. 21-cv- 03613(GRB)(JMW) | |
| -against- | | | |
| FELIKS & SON STORAGE TANK CORP., SON SERVICES, LLC AND FELIKS SWIE | | | |
| Γ | Defendant(s). | | |
| IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel | | | |
| that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii) that this action be dismissed with prejudice, subject to the terms of the Settlement Agreement between the parties. | | | |
| Dated: October 27, 2023 | Dated: (| October 27, 2023 | |
| MOSER LAW FIRM, PC Attorneys for Plaintiff(s) /s/ Steven John Moser Steven John Moser 133 C New York Avenue Huntington, NY 11743 Tel: 516-671-1150 steven.moser@moserlawfirm.com | COFFEY MODICA LLP Attorneys for Defendant(s) /s/ Vince Avery Vince Avery 111 Town Square Plaza, Suite 1203 Jersey City, NJ 07310 Tel: 856-246-5301 vavery@coffeymodica.com | | |
| ORDER OF DISMISSAL | | | |

Pursuant to the stipulation of the parties under Federal Rule of Civil Procedure 41(a)(1)(ii), IT IS ORDERED THAT THIS ACTION BE, AND HEREBY IS, DISMISSED WITH PREJUDICE, subject to the terms of the Settlement Agreement between the parties, which is expressly incorporated by reference herein.

| | So Ordered: |
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| Dated: | James M. Wicks, USMJ |

The Clerk is directed to close the file.